



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gaudencio Carangan

File: B-238242

Date: June 21, 1990

DECISION

Mr. Gaudencio Carangan appeals our Claims Group's settlement certificate, Z-2861595, September 26, 1989, which denied his claims for a living quarters allowance and a foreign post differential. For the following reasons, we affirm our Claims Group's action.

The record shows that Mr. Carangan retired as a member of the United States Navy on September 16, 1968, went to his home of record in the Philippines, and then chose to reside in Okinawa, Japan, where he was privately employed for the next 13 years. From November 23, 1981, to April 17, 1988, he was employed in Okinawa as a civilian employee by the Marine Corps, Department of the Navy, and on April 18, 1988, he was transferred to the Department of the Air Force, and subsequently he retired.

Under §§ 031.2 and 031.3, respectively, of the Department of State Standardized Regulations (Government Civilians, Foreign Areas), a United States citizen hired locally overseas may be paid a living quarters allowance and a foreign post differential only if his presence in the overseas area is fairly attributable to his government employment and certain other conditions are met. Our Office will not substitute its judgment for that of agency officials responsible for making such determinations, absent clear evidence that their determinations were arbitrary, capricious or unreasonable. Shirley Oliveira, B-233841, Jan. 26, 1990, 69 Comp. Gen. ____; Wesley L. Goecker, 58 Comp. Gen. 738 (1979).

Mr. Carangan contends that after his military retirement from the Navy, he moved from his home in the Philippines to Okinawa with the intention of finding a civilian government position, and that he continued to seek such a position until he obtained the Marine Corps job in 1981. Thus he claims entitlement to a living quarters allowance and a foreign post differential.

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We agree with reasonableness of the determinations made by the Marine Corps and the Air Force in denying Mr. Carangan's claims for a living quarters allowance and a foreign post differential. His contention that he was actively searching for government employment for a 13-year period and thus his presence in Okinawa was fairly attributable to his government employment, is not persuasive in view of the long period of time involved, his voluntary residence in Okinawa, and his long-term employment in the private sector.

Accordingly, Mr. Carangan's claims are denied.


James F. Hinchman
General Counsel